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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,464	03/10/2004	Russell Alan Foltz-Smith	30000060-0003-002	4539

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EXAMINER
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UBER, NATHAN C

ART UNIT	PAPER NUMBER
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3622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,464

**Applicant(s)**

FOLTZ-SMITH ET AL.

**Examiner**

NATHAN C. UBER

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29, 31-41, 43-56 and 58-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-29, 31-41, 43-56 and 58-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Status of Claims

1. This action is in reply to the amendment filed on 30 October 2009.
2. Claims 22, 31, 32, 34 and 49 have been amended.
3. Claims 30, 42 and 57 have been canceled.
4. Claims 1-21 are withdrawn.
5. Claims 22-29, 31-41, 43-56 and 58-66 are currently pending and have been examined.

### Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amended claims 22 to remove *data* and replace it with *software*. However the claim later refers to "the data;" Examiner previously suggests amending claim 22 to indicate separately data (such as the *advertisement payment information*) and functions that the claimed processor is configured to perform. Presently claim 22 recites the limitation "the data" and there is insufficient antecedent basis for this limitation in the claim.

### Claim Rejections - 35 USC § 101

8. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to a particular machine or apparatus (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject

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matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claim 34 fails to meet the above requirements because it is not tied to a particular machine or apparatus and because it does not transform underlying subject matter. The steps of *receiving* and *transmitting* are considered insignificant extra-solution activity, so whether or not the *network* constitutes a particular machine or apparatus is moot. The preamble recitation *a computer-based method* does not satisfy the requirement because the preamble lends no patentable weight to the claim. The limitation *operating a search engine* does not satisfy the requirement because a human operator may complete this step and satisfy the claim and human operators are not statutory classes of invention. Examiner notes that the search engine here completes the "extraction of results" but this extraction step is not positively recited in the claim, only the step of *operating* is positively recited. It must be evident in the body of the method claim that a particular machine is tied to the method in a significant way.

9. Applicant's amendments to claim 34 do not cure the deficiencies identified above. Storing, transmitting and receiving data are insignificant extra-solution activity and therefore the particular machine associated with those steps cannot be relied upon to tie the method to a particular machine for the purposes of satisfying the machine-or-transformation test. With regard to the mapping, operating and ranking steps, the claim discloses only that the steps are preformed *utilizing a processor* not that the processor is performing the steps. The claim remains non-statutory because it is not tied to a machine and does not transform underlying subject matter. Based on precedent from the *Diehr* (450 U.S. at 191-92) and *Flook* (437 U.S. at 590) Courts "...even if a claim recites a specific machine or a particular transformation of a specific article, the recited machine or transformation must not constitute mere insignificant postsolution activity." *In re Bilski*, 545 F.3d 943, at 957. Further the *Bilski* decision notes that "postsolution activity" is not narrowly interpreted to mean only a step occurring at the end of a process. Rather, based on precedent from *In re Schrader* (22 F.3d 290) and *In re Grams* (888 F.2d 835), insignificant extra-

solution activity is applicable to insignificant steps whether occurring pre-solution, post-solution, or in the middle of the process. *Id.* Specific examples of insignificant activity include data recordation or data gathering steps. *Id.* Such steps are incapable of imparting patent-eligibility under § 101. *Id.* For further information see *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). See also the response to arguments section below.

#### Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 22-29, 31-41, 43-56 and 58-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung et al. (U.S. 2003/0028529) in view of Leishman et al. (U.S. 2004/0073538).

#### Claim 22:

**Examiner's Note:** Applicant properly claims a system in the claim below, however the system of this claim is extremely broad as it is only limited to a processor and a medium containing software that the processor is at least capable of reading. The broadest reasonable interpretation of the claim therefore is that the software is read but not executed. There is no functional relationship between the software in this claim and the

processor or the medium. In this situation patentable weight is not given to the software elements in the claim because the data is not functional but merely descriptive. Software is functional descriptive material when it is executed, not simply when it is read. Examiner maintains, as in the previous Office action, that the cited art of record discloses the limitations below whether or not the limitations carry patentable weight in the claim.

Cheung, as shown, discloses the following limitations:

- *at least one processor (see at least ¶0040, a server),*
- *a medium connected to the processor (see at least ¶0040, a communications medium, the internet),*
- *a set of software on the medium and being at least readable by the processor the set of data including: advertiser payment information; a query receiving function executable by the processor to receive a search query over a network from a user computer system; geographic data of a location; a mapping function executable by the processor to map the query to at least one sales category among a plurality of sales categories; an advertiser data store including a plurality of advertiser entries; a search engine executable by the processor to automatically in response to the mapping to the sales category extract a plurality of search result from the advertiser entries based on the sales category and the geographic location data; a ranking function executable by the processor to rank the search results based on at least the advertiser payment information into a ranked set of search results; and a transmission function executable by the processor to transmit the set of ranked search results over a network to the user computer system, each one of the ranked search results including a link to retrieve a respective advertiser web page over a network from a respective advertiser computer system utilizing the user computer system (see at least Figure 1, items 102 search engine, 104 search results database and 105 account database, databases*

inherently include the functionality of ranking and categorizing/"mapping to a category", see also at least figure 4, networking functionality),

Cheung does not specifically disclose *geographic data of a location* however Leishman discloses location information (see at least ¶¶0044) and more general geographic information (see at least ¶¶0032 and 0041). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the additional data of the Leishman invention with the Cheung invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claims 23, 35 and 50:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *wherein the ranking is dependent upon whether a link included in an ad has received a predetermined number of clicks within a predetermined period of time* (see at least ¶¶0139, when the account is exhausted the ad is no longer positioned with the paid advertisements/displayed, see also at least ¶¶0124 and 0048).

**Claims 24, 36 and 51:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *a sponsor is an advertiser that has a financial agreement with the search provider regarding the inclusion of the sponsor's ad on the search provider's web page* (see at least ¶¶0047, advertiser opens an account),
- *a non-sponsor is an advertiser whose ad is displayed on the search provider's web page free of charge* (see at least ¶¶0048, non paid website descriptions/listings),

- *non-sponsors' ads are displayed in a region of the search provider's web page below another region of the search provider's web page where sponsors' ads are displayed* (see at least ¶0048, non paid listings appear separately or at the bottom of paid listings).

**Claims 25, 37 and 52:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *the search provider is due a fee from a sponsor every time a user selects a link associated with the sponsor's ad displayed on the search provider's web page* (see at least ¶0117, "a money amount that is deducted from the account of the advertiser for each time the advertiser's webs site is accessed via a hyperlink on the search result page").

**Claims 26, 38 and 53:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *the sponsor's ad has associated with it a cap amount that is the maximum amount of money that a sponsor can be billed by the search provider for the sponsor's ad within a billing cycle* (see at least ¶0124, advertise may prepay for clicks).

**Claims 27, 39 and 54:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *a location where the sponsor's ad is displayed on the search provider's web page is influenced by a difference between the cap amount and a total accrued debt owed by the sponsor to the search provider for the sponsor's ad* (see at least ¶0124, if there are not enough funds, the advertisement will not appear in the search results).



**Claims 28, 40 and 55:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *the sponsor's ad is located within the region of the search provider's web page with non-sponsors' ads when the total accrued debt owed by the sponsor to the search provider for the sponsor's ad equals the cap amount (see at least ¶0048, non-paid listings appear in a different section or below paid listings, and are retrieved based on relevance to the search).*

**Claims 29, 41 and 56:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *the sponsor can change the cap amount (see at least ¶0124, advertiser may add funds).*
- *longer positioned with the paid advertisements/displayed see also ¶0124).*

**Claims 31, 46 and 61:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Cheung does not specifically disclose the following limitation. However, Leishman, as shown, discloses the following limitation:

- *a geo-location function that determines a location of the user computer system (see at least ¶0030, the polygon search module),*
- *determining a location of the user computer system utilizing a geo-location function (see at least ¶0030, the polygon search module),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the additional data of the Leishman invention with the Cheung invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claims 32, 47 and 62:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Cheung does not specifically disclose the following limitation. However, Leishman, as shown, discloses the following limitation:

- *a geo-location function calculating a geographic region of consideration, and removing all sponsor ads from the list of sponsors' ads when the respective sponsor's business location is outside of the geographic region of consideration (see at least ¶0030, the polygon search module),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the additional data of the Leishman invention with the Cheung invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claims 33, 48 and 63:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Cheung does not specifically disclose the following limitation. However, Leishman, as shown, discloses the following limitation:

- *the geographic region of consideration is a circle having a center point and a radius, and the radius is multiplied by a market multiplier factor that varies as a function of a location of the center point (see at least ¶0030, the polygon search module),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the additional data of the Leishman invention with the Cheung invention since the claimed invention is merely a combination of old elements, and in the

combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claims 34 and 49:**

Cheung, as shown, discloses the following limitations:

- *storing advertiser information on at least one computer-readable medium (see at least figure 1, item 105 account database),*
- *storing a plurality of advertiser entries on the medium (see at least figure 1, item 105 account database),*
- *receiving a search query over a network from a user computer system at a server computer system (see at least figure 1, item, 102 search engine, inherently a search engine receives a search query, see also at least ¶0118),*
- *mapping the query to at least one sales category among a plurality of sales categories utilizing a processor of the server computer (see at least ¶0011, cataloging search results),*
- *operating a search engine to automatically in response to the mapping to the sales category extract a plurality of search result from the advertiser entries based on the sales category and the geographic location data utilizing the processor (see at least ¶¶0011 and 0118, using a search engine; see also at least Leishman ¶0040 category tree),*
- *ranking the search results based on at least the advertiser payment information to a ranked set of search results utilizing the processor (see at least ¶0048, the bid amount for the ad dictates the ad placement in the search result list, see also at least ¶0117),*
- *transmitting the set of ranked search results from the server computer system over a network to the user computer system, each one of the ranked search results including a link to retrieve a respective advertiser web page*

*over a network from a respective advertiser computer system utilizing the user computer system (see at least ¶¶0014, advertisers pay for click through referrals generated from the search result list generated by the search engine),*

Cheung does not specifically disclose *geographic data* however Leishman discloses location information (see at least ¶¶0044) and more general geographic information (see at least ¶¶0032 and 0041). Further Cheung does not specifically disclose the following limitation. However, Leishman, as shown, discloses the following limitation:

- *storing geographic data of a location on the medium (see at least ¶¶0044),*

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the additional data of the Leishman invention with the Cheung invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claims 43 and 58:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitations:

- *calculating a pacing factor (see at least ¶¶0090, capping accounts by time period),*
- *comparing a random number, having a value between zero and one, to the pacing factor for each sponsor's ad (see at least ¶¶0099),*
- *displaying the sponsor's ad on the search provider's web page only if the pacing factor is greater than the random number (see at least ¶¶0106, changing account status may result in removal of an ad from search results),*

Cheung discloses projecting expenses predicting the projected number of days until the exhaustion of account funds (see at least ¶¶139) and creating invoice caps for specific

time periods (see at least ¶0090). Further Cheung discloses and account monitoring method capable to removing ads from results tables when thresholds are exceeded (see at least ¶0099). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to implement a pacing factor because Cheung discloses a comparable method.

**Claims 44 and 59:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *sorting the sponsors' ads and displaying the sponsors' ads on the search provider's web page according to the cost-per-click multiplied by the click-through rate associated with each sponsor's ad* (see at least ¶0117, sorting the result list based on the amount bid which may be a cost-per-click, see also at least ¶¶0139-0140 maximizing anticipated revenue based on cost-per-click and run rate).

**Claims 45 and 60:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Cheung does not specifically disclose the following limitation. However, Leishman, as shown, discloses the following limitation:

- *calculating a sorting factor* (see at least ¶0066, sort the result list),
- *sorting the sponsors' ads and displaying the sponsors' ads on the search provider's web page according to the sorting factor* (see at least ¶0066, sort the search result list),

It would have been obvious to one having ordinary skill in the art at the time of the invention to combine the additional sorting feature of the Leishman invention with the Cheung invention since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as

it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Claims 64-66:**

The combination Cheung/Leishman discloses the limitations as shown in the rejection above. Further, Cheung, as shown, discloses the following limitation:

- *includes/executing a pacing function that calculates a billing frequency based on the cap amount and a future date or time (see at least ¶0139, project expenses selection in the account management menu calculates the days in the future the until the exhaustion of funds (i.e. a billing frequency), Examiner notes that when the funds are exhausted the account is replenished/billed; the billing frequency is based on the prepaid balance/current balance (i.e. cap amount) and the estimated future daily clicks/daily run rate).*

**Response to Arguments**

13. Applicant's arguments filed 30 October 2009 have been fully considered but they are not persuasive.
14. With regard to the current 101 rejection, Applicant requests that Examiner update the rejection consistent with current guidelines. Respectfully, the rejection is up to date.
15. Applicant previously argued that the current §103 rejection of claims 22-63 should be withdrawn because the objection was overcome by the evidence submitted in the declaration of inventor Foltz-Smith (see page 10 of Applicant's remarks). As previously noted Examiner indicated that the declaration was not persuasive. Examiner also notes that the declaration states that Applicant believes that the prior art of record teaches all of the claimed limitations (see paragraph 4 of the declaration).
16. Applicant presently argues with respect to the independent claims that the claims, as amended, are not "anticipated over Cheung in view of Leishman" (see page 21 of Applicant's remarks). Respectfully, the current rejection is an obviousness rejection, not an anticipation rejection.

Applicant argues that the prior art is deficient because "in search engine technology...a query forms an input into the search engine" whereas in Applicant's claim the query is first mapped to a category then the query is submitted to the search engine. Examiner is not convinced. Restricted searches are not new to the art of "search engine technology" nor to the prior art of record. Applicant further amends the independent claims and now argues that Cheung does not suggest "(1) mapping of the query to at least one sales category among a plurality of sales categories, (2) executing a search engine automatically and in response to the mapping to the sales category, and (3) extracting a plurality of search results from advertiser entries based on the sales categories and the geographic location data" (see page 22 of Applicant's arguments). With regard to (1) and (3) these limitations were previously presented and previously rejected and Applicant previously admitted that Applicant believes that the prior art of record teaches all of the claimed limitations (see paragraph 4 of the declaration) (Examiner notes that the declaration was not in reference to all of the pending claims, but was directed to the independent claims). Further the current amendment indicating that the operating of the search engine occurs automatically does not affect the scope of the claim as Applicant argues. Applicant argues that in Leishman "because the categories are selectable by a user, there is no automation," but Examiner disagrees. Users can perform tasks "automatically." The meaning of automatically is broad, and in this context only conveys a sense of immediacy, not necessarily a requirement that a machine perform a task. In fact Examiner will digress here and point out that the method claims still fail to disclose an adequate tie to a particular machine. Examiner maintains that the prior art references disclose all of the elements listed in the independent claims, and further that the combination of references would have been obvious to one having ordinary skill in the art at the time of the invention.

**Conclusion**

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



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19. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 8:30am-4:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Eric Stamber** can be reached at **571.272.6724**.
20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
21. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**P.O. Box 1450, Alexandria, VA 22313-1450**

or faxed to **571-273-8300**.

22. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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Alexandria, VA 22314.

/Nathan C Uber/ Examiner, Art Unit 3622  
16 January 2010

/Arthur Duran/  
Primary Examiner, Art Unit 3622